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Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Monday, 25th April 1977 / 5th Vaisakha 1899 [No. 248

GOVERNMENT OF KERALA

Public Works (D) Department

DECLARATION

No. 16508/D2/77/PW. *Dated, Trivandrum, 20th April 1977.*

Whereas in exercise of the powers conferred by clause (1) of article 258 of the Constitution the President has, in his Notification No. 2/4/63 Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of land for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of Section 5 of the Act shall not apply to the land specified in the Schedule below;

And whereas the Government are satisfied that the said land has to be acquired for a public purpose;

The Government of Kerala hereby declare under Section 6 of the Act that the lands specified in the Schedule below and measuring 0.0815 hectare be the same a little more or less, are needed for a public purpose, to wit for widening and strengthening of National Highways 17 from 146 k.m. to 160 k.m.

and under section 7 of the Act, direct the Special Tahsildar for L. A., Tellicherry to take order for the acquisition of the land. Further, under sub-section (1) of Section 19 of the Act the Government direct that the Collector may take possession of the land on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of Section 9 of the Act.

A plan of the land is kept in the office of the Special Tahsildar for L. A., Tellicherry and may be inspected at any time during office hours.

ഭരണഘടന 258–ാം വകുപ്പ് (1)–ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയൻെറ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചിടത്തോളം 1961–ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962–ലെ 21–ാം ആക്ട്) പ്രകാരം കേന്ദ്ര ഗവൺമെൻറിൻെറ പ്രവൃത്തികൾ തൻെറ 1963-ാം മാണ്ട് മേയ് മാസം 31-ാം തീയതിയിലെ 2/4/63 Judl. II–ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെൻറിനെ, ആ ഗവൺമെൻറിൻെറ സമ്മതത്തോടുകൂടി, ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെൻറ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച്, ആക്ററ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുക്കാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെൻറിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും ;

കേരള ഗവൺമെൻറ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും, 0.0815 ഹെക്ററർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്രതന്നെയോ അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുക്കാര്യത്തിന് അതായത് നാഷണൽ ഹൈവേ 17–ൽ 146 കി. മീററർ മുതൽ 160 കി. മീററർവരെ വീതി കൂട്ടുന്നതിനും ബലപ്പെടുത്തുന്നതിനും ആവശ്യമാണെന്ന് ആക്ററ് 6-ാം വകുപ്പും പ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്ററ് 7-ാം വകുപ്പു പ്രകാരം സ്പെഷ്യൽ തഹശീൽദാർ, ലാൻറ് അക്വിസിഷൻ, തലശ്ശേരി എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്ററ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതിമുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്ററ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെൻറ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിൻെറ പ്ലാൻ സ്പെഷ്യൽ തഹശീൽദാർ, ലാൻറ് അക്വിസിഷൻ, തലശ്ശേരി എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Cannanore.

Village—Pappinisseri.

Taluk—Cannanore.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Description*	*Extent in hectare*
1	253/7	R. Carden	0.0526
2	253/8	do.	0.0194
3	253/9	do.	0.0007
4	255/6	do.	0.0088
		Total	0.0815

By order of the Governor,

M. C. RAJA RAJA VARMA,
Deputy Secretary to Government.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

No. 15525/C1/76/LA & SWD. *Dated, Trivandrum, 18th April, 1977.*

The following draft of the Kerala Municipal Contingent Employees' Death-cum-Retirement Benefit Rules, 1977 which the Government of Kerala intend to make in exercise of the powers conferred by sub-section (2) of Section 90 and clause (a) of sub-section (2) of Section 367 of the Kerala Municipal Corporations Act 1961 (30 of 1961) and sub-section (3) of section 91 and clause (a) of sub-section (2) of Section 344 of the Kerala Municipalities Act, 1960 (14 of 1961), is hereby published for general information as required by section 368 of the Kerala Municipal Corporations Act, 1961 and Section 345 of the Kerala Municipalities Act, 1960.

Notice is hereby given that the said draft will be taken up for consideration on or after one month from the date of publication in the gazette and that any objection or suggestion received in this regard will be considered by the Government. Objections and suggestions shall be addressed to the Special Secretary to Government, Local Administration and Social Welfare (C) Department Secretariat Trivandrum.

33/1296/MC

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Municipal Contingent Employees' Death-cum-Retirement Benefit Rules, 1977.

(2) They shall come into force at once.

2. *Definitions.*—In these rules unless the context otherwise requires—

(a) "Central Pension Fund" means the Central Pension Fund Constituted under rule 7;

(b) "Commissioner" means the Commissioner of a Corporation or of a Municipality as the case may be;

(c) "Council" means a Municipal Council or a Corporation Council as the case may be;

(d) "Employee" means a full time contingent employee of Municipality or of a Corporation;

(e) "Municipal Pension Fund" means the Municipal Pension Fund constituted under rule 8.

3. *Applicability.*—These rules shall apply to all employees of the Municipalities/Corporations in the State:

Provided that the employees who were in service on the date immediately preceding the date on which these rules are brought into force shall be given a right of option which shall be communicated in writing to the Commissioner concerned within two months from the date of publication of the rules either to continue under the existing system of retirement benefits admissible, or to come over to the pension scheme under these rules. If no such option is exercised by the employee within the time limit it will be deemed that he/she has opted to the pension scheme under these rules:

Provided further that those employees who had completed 60 years as on the date immediately preceding the date on which these rules are brought into force will not be eligible for pension under these rules.

4. *Retirement.*—Except as otherwise provided in these rules the date of superannuation of an employee is the date on which he attains the age of 55 years.

Note:—Those employees who have completed 55 years of age before the issue of these rules and who are continuing in service as per the orders contained in G. O. Rt. No. 2553/64/HLD dated 12-8-1964, shall be retired from service from the date of their option to come under the pension scheme under

these rules or from the date of expiry of their extended period of service whichever is earlier. Their service after 55 years of age till the date of such retirement will be treated as periods spent on re-employment not counting for retirement or death benefits under these rules.

5. *Death-cum-retirement benefits.*—The provisions in Part III Kerala Service Rules, as amended from time to time will apply mutatis-mutandis to an employee governed by the pension scheme under these rules in the matter of death-cum-retirement benefits.

6. *Liability of Councils.*—(i) The Council concerned shall meet the entire financial commitments arising from the introduction of the pension scheme in so far as the employees who were or are working under it and to whom these rules are applicable are concerned. The extent of their commitment and the manner of their discharge shall be as specified in sub-rule (ii) and (iii).

(ii) Every council shall pay to the Central Pension Fund, the following amounts in respect of every employee on retirement or death as the case may be:—

(a) Commuted value of monthly pension/family pension admissible under rule 5.

(b) Lump sum service gratuity/death-cum-retirement gratuity/terminal death gratuity admissible under rule 5.

(iii) The total of the sums specified in clauses (a) and (b) of sub-rule (ii) shall be paid by the Council in a single instalment to the Central Pension Fund at the time of retirement/death of the concerned employee and in such manner as may be directed by the Director of Municipalities.

7. *The Central Pension Fund.*—The Central Pension Fund shall be constituted for servicing the Death-Cum-Retirement benefits of the employees' under these rules. The fund shall be opened in Treasury Savings Bank (Fixed Deposit) and administered in the following manner, namely:—

(a) The receipts of the Central Pension Fund will be the payments made by the Councils in the manner specified in rule 6. The Central Pension Fund shall commence with the above payments in respect of the employees who have retired from service on or after on which these rules came into force.

(b) The Central Pension Fund shall be administered by the Director of Municipalities who will receive contributions and make withdrawals from the fund for the purposes specified in these rules. Save as expressly provided herein the Central Pension Fund shall not be operated for any other purposes except with the sanction of the Government.

(c) The amount required for the payment of Death-cum-retirement benefits of the employees in whose cases the liability of the Council has been fully discharged in the manner indicated in rule 6 shall be a charge on the Central Pension Fund. With the assumption of these responsibility by the administrator of the Central Pension Fund, the Council shall have no right over the balance at the credit of the Fund at any time.

(d) The balance of the Central Pension Fund shall be lodged with the District Treasury, Trivandrum as a personal deposit account and it shall be operated by the Director of Municipalities for the purpose specified in these rules.

(e) Such portion of the balance standing in the Central Pension Fund which is not required for immediate disbursement under these rules, shall be invested in the Treasury Savings Bank (Fixed Deposit).

(f) The Examiner of Local Fund Accounts shall be the auditor in respect of the transactions relating to the Central Pension Fund. The forms for accounting the transactions will be as prescribed by him.

(g) The Government may dissolve the Central Pension Fund at any time after providing alterative arrangements for the payment of death-cum-retirement benefits to the employees entitled to it under these rules and in the event of such dissolution the balance standing in the Central Pension Fund shall be disposed of by the Government in such manner as they may deem fit.

8. *Municipal Pension Fund*.—(1) Each Council shall open in Treasury Savings Bank (Fixed Deposit) an earmarked fund called the "Municipal Pension Fund" to provide an adequate amortisation arrangement for payment of the sums referred to in sub-rule (iii) of rule 6 as and when they fall due for payment.

(2) The Fund referred to in sub-rule (i) shall be governed by the rules hereinafter contained:—

(a) The Provident Fund Accounts of every employee who is a subscriber to the existing contributory Provident Fund maintained by the Council and who opts or comes to the pension scheme under these rules shall be closed with effect from the date immediately preceding the date on which these rules come into force. The contribution portion of the contributory Provident Fund together with interest thereon shall be transferred to the Municipal Pension Fund. The subscription portion with interest shall be credited to a separate Provident Fund Account called "Provident Fund of Pensionable contingent

Employees" to be opened by the Council, immediately after closing the existing contributory Provident Fund."

(b) (i) The pension contribution in respect of all the employees who have come over to the pension scheme for the period upto the date immediately preceding the date on which these rules came into force, shall be calculated at 1/6 of their basic pay plus dearness pay from time to time. The differences between such amount and the contribution portion of their Provident Fund together with interest transferred to the Municipal Pension Fund under clause (a) of sub-rule (2) shall be paid to the Municipal Pension Fund in easy annual instalments not exceeding 20 as may be decided by the Council.

(ii) The pension contribution in respect of the employees eligible for pension under this scheme for the period from the date of commencement of these rules shall be adjusted monthly on or before the 10th day of the succeeding month to the credit of the Municipal Pension Fund.

(iii) The amount reimbursed by the Director of Municipalities towards pension and/or death-cum-retirement gratuity paid to retired employees out of the Central Pension Fund as per the pension payment order shall also be credited to the Municipal Pension Fund.

(iv) The amount required for the consolidated sum payment to the Director of Municipalities in lieu of monthly payment and/or Death-cum-retirement gratuity in respect of retired employees as per the orders of the Director of Municipalities and the amount required for disbursement of pension and Death-cum-retirement gratuity as per pension payment order and authorisation of the Director of Municipalities shall be paid out of Municipal Pension Fund.

(c) The Surplus, if any, in the Municipal Pension Fund which may not be required for immediate disbursement shall be invested in the Treasury Savings Bank (Fixed Deposit). The interest realised on such investments shall be credited to the Municipal Pension Fund.

(d) The Municipal Pension Fund shall not be used for any purpose other than those authorised by these rules, except with the sanction of Government on such terms and conditions specified by Government.

9. *Procedure relating to Pension Payment.*—(i) The pension papers of the retired employees shall be prepared in such forms and in accordance with such instructions as are contained in Part III of the

Kerala Service Rules, within one year before the date of retirement and forwarded to the Examiner of Local Fund Accounts with all relevant document. After verification the Examiner of Local Fund Accounts shall report the admissible pension and gratuity and transmit the papers to the Director of Municipalities will instruct the Council regarding the amount payable by it by way of commuted value under rule 6. Sanction for the pension will be issued by the Director of Municipalities after receipt of such remittance from the concerned Council and therefore pension payment order will be issued in duplicate, one copy to the Pensioner and the other to the concerned council.

(ii) In respect of pension benefits sanctioned under sub-rule (i) the Director of Municipalities shall place at the disposal of the Council necessary sums from the Central Pension Fund for payment of gratuity and monthly pension Funds for payment of pension shall be placed at such convenient intervals as may be fixed by the Director of Municipalities. Any amount out of the funds so placed and not disbursed to a pensioner due to death or other reasons shall be reported to the Director and the amount shall be refunded to the Central Pension Fund as may be specified by the Director.

(iii) The procedure relating to payment of pension and gratuity as laid down in the Kerala Treasury Rules and Kerala Financial Code shall be followed by the Commissioner. His duties in regard to pension payment will be analogous to that of a Treasury Officer entrusted with the disbursement of retirement claims. The forms and registers to be used for the payment of pension and gratuity and prescribed by the Examiner of Local Fund Accounts in this regard shalt be used for the purpose of these rules.

10. If any doubt or difficulty arises in the interpretation of these rules, the question shall be referred to the Government whose decision shall be final.

By order of the Governor,
N. GOPALAKRISHNAN NAIR,
Special Secretary.

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GOVERNMENT OF KERALA

Public Works (Transport-B) Department

ERRATUM TO DECLARATION

No. 17502/TB2/77/PW. *Dated, Trivandrum, 20th April 1977.*

In the schedule to the declaration under Section 6 of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) approved by the Government in their No. 7927/TB2/76/PW dated 27-2-1976 and published in the Kerala Gazette Extraordinary No. 138 dated 4-3-1976 relating to the acquisition of land for doubling rail track between Mullurkara and Wadakancherry, Block No. 66 of Mullurkara Village in Talappilly Taluk of Trichur District.

4-3-1976–ലെ കേരള ഗവൺമെൻറിന്റെ 138-ാം നമ്പർ അസാധാരണ ഗസററിൽ 1961–ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962–ലെ 21–ാം ആക്ട്) 6–ാം വകുപ്പിലെ വ്യവസ്ഥകൾ അനുസരിച്ച് തൃശ്ശൂർ ജില്ലയിൽ തലപ്പിള്ളി താലൂക്കിൽ മുള്ളൂർക്കര വില്ലേജിൽ 66–ാം ബ്ലോക്കിൽ നിന്നും സ്ഥലമെടുത്ത് വടക്കാഞ്ചേരിക്കും മുള്ളൂർക്കരയ്ക്കും ഇടയ്ക്ക് റെയിൽവേപ്പാത ഇരട്ടിപ്പിക്കുന്നതിനെ സംബന്ധിച്ച് കേരള ഗവൺമെൻറ് 27-2-1976–ൽ 7927/TB2/76/PW നമ്പർ കല്പനപ്രകാരം പ്രസിദ്ധപ്പെടുത്തിയ പ്രഖ്യാപനത്തിലെ പട്ടികയിൽ

SCHEDULE

(Block No. 66)

District.—Trichur. *Taluk.*—Talappilly.

Village.—Mulloorkara.

For				*Read*			
Sl. No.	*Sy. No.*	*Description*	*Extent in hectares*	*Sl. No.*	*Sy. No.*	*Description*	*Extent in hectares*
5.	917/2	Wet	0.0300	5.	917/2	Wet	0.0410
				6.	917/2-4	,,	0.0385

By order of the Governor,

N. R. AUGUSTINE,

Joint Secretary to Government.

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1977

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GOVERNMENT OF KERALA

Revenue (N) Department

NOTIFICATION

G. O. Ms. No. 557/77/RD. *Dated, Trivandrum, 25th April 1977.*

S. R. O. No. 351/77.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendment to the notification issued in G. O. Ms. No. 311/75/RD dated the 4th April, 1975 and published as S. R. O. No. 305/75 in the Kerala Gazette Extraordinary No. 174 dated the 4th April, 1975, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, under the heading "ALLEPPEY DISTRICT", in column (2), against the entry "7. Kuttanad Taluk" in column (1), for item 2, the following item shall be substituted, namely:—

"2. George Varghese
Poonchayichira,
Kunthirickal P.O.,
Thalavady. ... Member".

By order of the Governor,

S. PADMAKUMAR,
Special Secretary to Government.

33/1317/MC.

Explanatory Note

Shri S. K. Das has resigned his membership in the Taluk Land Board, Kuttanad. Government have decided that Shri George Varghese may be appointed as member of the Taluk Land Board, Kuttanad in the above vacancy. This notification is intended to achieve the above object.

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